

House File 2230 - Introduced

HOUSE FILE 2230

BY WESTRICH

A BILL FOR

1 An Act relating to criminal law including the disclosure of
2 communications in professional confidence to a defendant and
3 criminal sentencing and corrections, and making penalties
4 applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 622.10, subsection 4, Code 2022, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 4. The confidentiality privilege under this section shall
5 be absolute with regard to a criminal action and this section
6 shall not be construed to authorize or require the disclosure
7 of any privileged records to a defendant in a criminal
8 action unless the privilege holder voluntarily waives the
9 confidentiality privilege.

10 Sec. 2. Section 901.11, subsections 2, 3, 4, and 5, Code
11 2022, are amended to read as follows:

12 2. At the time of sentencing, the court shall determine
13 when a person convicted of child endangerment as described in
14 section 902.12, subsection ~~2~~ 3, shall first become eligible
15 for parole or work release within the parameters specified
16 in [section 902.12, subsection ~~2~~ 3](#), based upon all pertinent
17 information including the person's criminal record, a validated
18 risk assessment, and whether the offense involved multiple
19 intentional acts or a series of intentional acts, or whether
20 the offense involved torture or cruelty.

21 3. At the time of sentencing, the court shall determine when
22 a person convicted of robbery in the first degree as described
23 in [section 902.12, subsection ~~3~~ 4](#), shall first become eligible
24 for parole or work release within the parameters specified
25 in [section 902.12, subsection ~~3~~ 4](#), based upon all pertinent
26 information including the person's criminal record, a validated
27 risk assessment, and the negative impact the offense has had
28 on the victim or other persons.

29 4. At the time of sentencing, the court shall determine when
30 a person convicted of robbery in the second degree as described
31 in [section 902.12, subsection ~~4~~ 5](#), shall first become eligible
32 for parole or work release within the parameters specified
33 in [section 902.12, subsection ~~4~~ 5](#), based upon all pertinent
34 information including the person's criminal record, a validated
35 risk assessment, and the negative impact the offense has had

1 on the victim or other persons.

2 5. At the time of sentencing, the court shall determine when
3 a person convicted of arson in the first degree as described
4 in section 902.12, subsection 5 6, shall first become eligible
5 for parole or work release within the parameters specified
6 in section 902.12, subsection 5 6, based upon all pertinent
7 information including the person's criminal record, a validated
8 risk assessment, and the negative impact the offense has had
9 on the victim or other persons.

10 Sec. 3. Section 902.12, Code 2022, is amended to read as
11 follows:

12 **902.12 Minimum sentence for certain felonies — eligibility**
13 **for parole or work release.**

14 1. A person serving a sentence for conviction of any of
15 the following felonies that occur on or after July 1, 2023, if
16 other than a class "A" felony, shall be denied parole or work
17 release unless the person has served at least nine-tenths of
18 the maximum term of the person's sentence:

19 a. Homicide or a related crime in violation of chapter 707.

20 b. Assault in violation of chapter 708.

21 c. Terrorism in violation of chapter 708A.

22 d. Sexual abuse in violation of chapter 709.

23 e. Kidnapping or related offenses in violation of chapter
24 710.

25 f. Human trafficking in violation of chapter 710A, except
26 for a violation of section 710A.2A.

27 g. Robbery, aggravated theft, or extortion in violation of
28 chapter 711.

29 h. Arson in violation of chapter 712.

30 i. Burglary in violation of chapter 713, except for a
31 violation of section 713.7.

32 j. Criminal gang participation or gang recruitment in
33 violation of chapter 723A.

34 ~~1. 2.~~ A person serving a sentence for conviction of any of
35 the following felonies, including a person serving a sentence

1 ~~for conviction of the following felonies that occur~~ prior to
2 July 1, ~~2003~~ 2022, shall be denied parole or work release
3 unless the person has served at least seven-tenths of the
4 maximum term of the person's sentence:

5 a. Murder in the second degree in violation of section
6 707.3.

7 b. Attempted murder in violation of [section 707.11](#), except
8 as provided in [section 707.11, subsection 5](#).

9 c. Sexual abuse in the second degree in violation of section
10 709.3.

11 d. Kidnapping in the second degree in violation of section
12 710.3.

13 e. Robbery in the second degree in violation of section
14 711.3, except as determined in [subsection 4 5](#).

15 f. Vehicular homicide in violation of section 707.6A,
16 subsection 1 or 2, if the person was also convicted under
17 section 321.261, subsection 4, based on the same facts or
18 event that resulted in the conviction under section 707.6A,
19 subsection 1 or 2.

20 ~~2.~~ 3. A person serving a sentence for a conviction of
21 child endangerment as defined in section 726.6, subsection
22 1, paragraph "b", that is described and punishable under
23 section 726.6, subsection 5, shall be denied parole or work
24 release until the person has served between three-tenths and
25 seven-tenths of the maximum term of the person's sentence as
26 determined under [section 901.11, subsection 2](#).

27 ~~3.~~ 4. A person serving a sentence for a conviction for
28 robbery in the first degree in violation of [section 711.2](#) for
29 a conviction that occurs ~~on or after July 1, 2018~~ prior to
30 July 1, 2022, shall be denied parole or work release until
31 the person has served between one-half and seven-tenths of
32 the maximum term of the person's sentence as determined under
33 section 901.11, subsection 3.

34 ~~4.~~ 5. A person serving a sentence for a conviction for
35 robbery in the second degree in violation of [section 711.3](#)

1 for a conviction that occurs ~~on or after July 1, 2016~~ prior
2 to July 1, 2022, shall be denied parole or work release until
3 the person has served between one-half and seven-tenths of
4 the maximum term of the person's sentence as determined under
5 section 901.11, subsection 4.

6 ~~5-~~ 6. A person serving a sentence for a conviction for
7 arson in the first degree in violation of [section 712.2](#) that
8 occurs ~~on or after July 1, 2019~~ prior to July 1, 2022, shall
9 be denied parole or work release until the person has served
10 between one-half and seven-tenths of the maximum term of
11 the person's sentence as determined under section 901.11,
12 subsection 5.

13 Sec. 4. Section 903A.2, subsection 1, paragraph c, Code
14 2022, is amended to read as follows:

15 c. Category "C" sentences are those sentences for attempted
16 murder described in [section 707.11, subsection 5](#), and sentences
17 for the offenses described in section 902.12, subsection 1.
18 Notwithstanding ~~paragraphs~~ paragraph "a" or "b", an inmate
19 serving a category "C" sentence is ineligible for a reduction
20 of sentence under [this section](#).

21

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to criminal law including the disclosure
25 of communications in professional confidence to a defendant
26 and criminal sentencing and corrections, and makes penalties
27 applicable.

28 The bill provides that for purposes of a defendant seeking
29 access to privileged records in a criminal action, the
30 confidentiality privilege shall be absolute and shall not
31 be construed to authorize or require the disclosure of any
32 privileged records to a defendant unless the privilege holder
33 voluntarily waives the confidentiality privilege.

34 Current law requires that a person shall be denied parole or
35 work release unless the person has served at least seven-tenths

1 of the maximum term of the person's sentence for the most
2 serious felonies. The bill provides that a person convicted
3 of certain felonies on or after July 1, 2023, except for a
4 violation classified as a class "A" felony, shall be denied
5 parole or work release unless the person has served at least
6 nine-tenths of the maximum term of the person's sentence.
7 Felonies requiring a person to serve nine-tenths of the
8 maximum term of the person's sentence include homicide or a
9 related crime (Code chapter 707); assault (Code chapter 708);
10 terrorism (Code chapter 708A); sexual abuse (Code chapter 709);
11 kidnapping and related offenses (Code chapter 710); human
12 trafficking except for a violation of Code section 710A.2A
13 (Code chapter 710A); robbery, aggravated theft, or extortion
14 (Code chapter 711); arson (Code chapter 712); burglary, except
15 for a violation of Code section 713.7 (Code chapter 713); and
16 criminal gang participation or gang recruitment (Code chapter
17 723A).

18 The bill provides that for earned time purposes, sentences
19 for attempted murder described in Code section 707.11(5)
20 (attempt to commit murder of a peace officer), and sentences
21 for any of the offenses described in Code section 902.12(1)
22 (minimum sentences for certain felonies), shall be classified
23 as category "C" sentences. An inmate serving a category "C"
24 sentence is ineligible for a reduction of sentence under Code
25 section 903A.2.